

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 1-3, 5-10, 15-20 are now pending.

Claims 3, 5 and 7-10 have been withdrawn from consideration as directed to non-elected species. Generic or sub-generic claims remain, however. It is therefore respectfully requested that the restriction requirement be reconsidered and withdrawn upon allowance of any generic or sub-generic claim.

Claims 1, 6 and 15 were rejected under 35 USC 102(b) as being anticipated by Kuwamoto. Applicant respectfully traverses this rejection. Claim 1 has been amended above to recite more specifically that the heat-retaining layer is formed by blocking cells in a peripheral area extending inward from the peripheral surface of the monolithic structural body by a width of not less than 5 mm. This feature of the invention is supported for example by Figure 5b and the description at page 13, lines 5-21, more specifically at lines 12-18. New independent claim 18 has been added which is similar to previously presented claim 1 but further specifies that the peripheral heat-retaining layer is formed by blocking at least 2 radially outermost cells in the peripheral area all around the radially outermost periphery of the monolithic structural body.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984).

Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

Kuwamoto seeks to reduce particulate matter unburned in cells in a peripheral portion. It is respectfully submitted, however, that Kuwamoto does not teach or suggest an exhaust gas cleaning system as recited in applicant's claims 1 and 18. In this regard, in Kuwamoto a second sealing portion 5 is provided only "adjacent to the outer peripheral wall 1" for preventing particulate matter from flowing in a through hole 3 (corresponding to a cell). See in this regard Figure 2 of Kuwamoto and the disclosure at column 7, lines 18-37. Kuwamoto explains for example at column 6, lines 17, that the exhaust gas filter has from 50 to 400 cells per square inch. 50 cells per square inch is about 1 cell per 12.9 square mm. Thus, the disclosed density of cells suggest the cells have a width of 3.59 to 1.27 mm. Since the second sealing portion 5 of Kuwamoto is formed between the outer periphery and a sealing portion 4, it will be understood that the wall thickness or width of the second sealing portion 5 is no more than a cell's width or diameter.

In contrast to Kuwamoto's disclosure, in the present invention, the thickness or width of the wall of the peripheral heat-retaining layer is not less than 5 mm from the outer peripheral surface of the monolithic structural body or, as recited in claim 18, is at least 2 cells wide. Applicant has discovered that such a wall thickness can obtain a desired heat-retaining performance. A wall thickness as numerically and structurally expressed in applicant's claims 1 and 18 and the effect thereof is clearly explained in the specification at page 5, lines 5-20 and at page 13, line 5-21, in particular at lines 12-18. Further, in regard to claim 18, in an example embodiment of the invention, the cells blocked in a peripheral area are disposed so that several (at least two) cells are provided with a given width all around the radially outermost periphery of the monolithic structural body. This obtains the desired heat-retaining performance in the

inside portion of the body even with a given small wall thickness, secures a larger filtering area of the monolithic structure body and downsizes the monolithic structural body. It is clear that Kuwamoto does not anticipate this feature of applicant's invention.

In view of the foregoing, reconsideration and withdrawal of the rejection based on Kuwamoto is solicited.

Claims 1, 6 and 15 were further rejected under 35 USC 102(e) as being anticipated by Badeau. Applicant respectfully traverses this rejection.

As noted above, claim 1 has been amended to numerically characterize the peripheral heat-retaining layer as having a width or wall thickness not less than 5 mm. Furthermore, claim 1 has been amended to limit the peripheral heat-retaining layer to the end surface of the gas exhaust inlet side. Thus, claim 1 provides that the cells are not entirely blocked on an end surface of the exhaust outlet side and are not entirely blocked inside the cells between the gas inlet side and the gas outlet side.

Badeau describes providing a double set of plugs as shown at 110 and 112, (Figure 11), sealing both the upstream and downstream ends of the radially outermost flow channel. Badeau characterizes this as providing air gap insulation 114 in housing or can 102. (Column 4, lines 32-36). Further, in Figure 2, it can be seen that plug 112 is located in the middle, between both the downstream and upstream ends of the flow channel. Thus, plug 112 is not just at the end surface of the channel. It is clear that this configuration is very different from that of the present invention. Importantly, there is no teaching or suggestion of the invention as recited in claim 1, wherein entire cells are blocked in the peripheral area only at the exhaust-inlet side whereas the entire cells in the peripheral area are not blocked on an end surface of the exhaust-outlet side, and the entire cells in the peripheral area are not blocked inside thereof between the exhaust gas inlet side and the exhaust gas outlet side. Thus, claim 1 is not anticipated by Badeau. Badeau also fails to anticipate or render obvious applicant's

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claim 18. As noted above, the wall thickness of the peripheral heat-retaining layer is characterized as including at least two cells being blocked about the entire outer periphery. This is different from the teachings of Badeau as well.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

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